

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Brandon Heitmann,

Debtor.

Chapter 13

Case No. 24-41956

Hon. Mark A. Randon

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**DEBTOR'S APPLICATION  
TO EMPLOY KOTZ SANGSTER WYSOCKI, P.C. AS SPECIAL COUNSEL**

Debtor states,

1. Debtor requires the continued representation by legal counsel regarding 3 (three) pending civil actions in Macomb County Circuit Court (23-00365-CZ; 23-003864-CZ; and 23-002737-CZ).

2. In the above referenced actions, Debtor is an individually named Defendant. The Plaintiffs' have alleged various claims against Debtor including Fraud, Misrepresentation, Conversion and Breach of Michigan's Builder's Trust Fund Act.

3. The Chapter 13 Debtor desires to retain/maintain KOTZ SANGSTER WYSOCKI, P.C. ("Applicant") as counsel for the state court matters, and those matters if they are removed to federal Court, and believes that Applicant is qualified to render the foregoing services because of its experience.

4. The current hourly rates being charged for Applicant's services are set forth in Tyler P. Phillips' verified declaration.

5. The Chapter 13 Debtor desires to employ Applicant with reasonable compensation and reimbursement of expenses to be determined by the Court. No compensation will be paid to the Applicant except upon application to and approval

by the Court after notice and hearing or otherwise in accordance with procedures established by the Court to compensate professionals in this case.

6. Applicant does not represent any entity having an adverse interest in connection with the case of the Chapter 13 Debtor, is disinterested, and its retention is proper and appropriate. As noted in the accompanying declaration, Applicant represents Debtor's spouse in the state court matters as well as she is a named defendant, and previously represented Debtor's business, Exigent Landscaping, LLC, also a named defendant.

WHEREFORE, the Debtor respectfully requests that this Honorable Court enter the accompanying proposed Order employing Applicant as Chapter 13 Debtor's special counsel, and granting the Chapter 13 Debtor such further relief as this Court deems just.

Respectfully submitted,

Debtor

/s/ Brandon Heitmann

Brandon Heitmann

DATED: 5/1/2024

Prepared by:

/s/Robert N. Bassel

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**ORDER GRANTING APPLICATION OF THE DEBTOR TO EMPLOY KOTZ  
SANGSTER WYSOCKI, P.C. AS SPECIAL COUNSEL**

Upon the Application Of The Debtor to Employ Special Counsel, it appearing that KOTZ SANGSTER WYSOCKI, P.C. is disinterested and has no interest adverse to the estate and sufficient cause exists to grant the application,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Application is granted subject to the requirements in the Application.

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**VERIFIED DECLARATION**  
**OF TYLER P. PHILLIPS**

Tyler P. Phillips declares:

1. I am an attorney experienced in civil litigation.
2. I currently charge \$285.00 per hour for my legal services, and my colleague, Yousef Farraj, bills at \$250.00 per hour. Paralegals are charged at \$160.00 per hour.
3. To my knowledge, neither I nor my firm hold or represent any interest adverse to the interests of the Debtor or the estate in connection with the case. Moreover, we are disinterested as defined by §101(14).
4. Applicant does not represent any entity having an adverse interest in connection with the case of the Chapter 13 Debtor, is disinterested, and its retention is proper and appropriate.

5. I reviewed various databases to determine if I or my firm had any connections with any of the parties in interest in this case. My search uncovered no connections with any of the parties in interest in this case, other than we represent Debtor's spouse in the state court matters as well as she is a named defendant, and previously represented Debtor's business, Exigent Landscaping, LLC, also a named defendant.

6. Applicant does not represent any entity having an adverse interest in connection with the case of the Chapter 13 Debtor, is disinterested, and its retention is proper and appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 1, 2024

/s/ Tyler P. Phillips

Tyler P. Phillips, Declarant